

Damian P. Richard, Esq. (SBN 47837)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.  
1545 Hotel Circle South, Suite 150  
San Diego, CA 92108-3426  
Tel: 619/758-1891  
Fax: 619/296-2013  
drichard@sessions.legal

Attorney for Creditors  
National Collegiate Student Loan Trust 2005-1,  
National Collegiate Student Loan Trust 2006-1, &  
National Collegiate Student Loan Trust 2007-1

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re MARY JANELLE DITCHING  
aka JANELLE DITCHING,

Debtor

} Chapter 13  
} Case No.: 17-15012 TWD  
} DECLARATION IN SUPPORT OF  
} OPPOSITION TO OBJECTION TO  
} CLAIMS

I, BRADLEY LUKE, hereby declare as follows:

1. I am a Director of Operations for Transworld Systems Inc. ("TSI"), the current servicer and custodian of records for National Collegiate Student Loan Trust 2005-1 ("NCSLT 2005-1"), National Collegiate Student Loan Trust 2006-1 ("NCSLT 2006-1"), and National Collegiate Student Loan Trust 2007-1 ("NCSLT 2007-1") (collectively "NCSLT").

2. I am over the age of 18 and have personal knowledge of each of the matters set forth in this Declaration, and if called as a witness, would testify competently to them.

3. NCSLT are Delaware statutory trusts, also known as a business trusts, and have no employees.

Declaration

1           4. As NCSLT's loan servicer, TSI maintains the dedicated system of  
2 record for electronic transactions pertaining to NCSLT student loans on NCSLT's  
3 behalf, including, but not necessarily limited to, loan origination documents,  
4 disbursements, payments, credits, deferments, interest accrual and any other  
5 transactions that could impact the servicing of the student loans.

6           5. TSI replaced the prior servicer, American Education Services  
7 ("AES"). In addition to maintaining the NCSLT loan servicing system, TSI also  
8 maintains real-time, electronic access to the prior loan servicing records of AES.  
9 TSI employees, including myself, receive education and training on the AES loan  
10 servicing system and how to view and retrieve AES servicing records.

11           6. It is a regularly-conducted business practice of NCSLT to incorporate  
12 the loan origination and AES servicing records into the NCSLT business records,  
13 and NCSLT relies on the accuracy of these records in the ordinary course of its  
14 student loan business.

15           7. On December 1, 2004, Debtor Janelle Ditching ("Debtor") applied  
16 for and obtained a \$27,157.38 student loan so that she could attend Olympic  
17 College. She signed the credit agreement, provided proof of employment of her  
18 co-signer and sister Pauline Ditching, and provided her proof of enrollment,  
19 including handwritten notes discussing her enrollment. The student loan was  
20 disbursed to Debtor on December 21, 2004 and later assigned to NCSLT 2005-1.  
21 Attached as **Exhibit A** to this Declaration are true and correct copies of the  
22 business records pertaining to Debtor's NCSLT 2005-1 student loan.

23           8. Over a year later, on December 12, 2005, Debtor applied for and  
24 obtained a \$28,450.00 student loan so that she could attend University of  
25 Washington. She signed the credit agreement, provided proof of her permanent  
26 resident status, proof of her enrollment and financial aid status, as well as proof of  
27 employment of her co-signer and sister Pauline Ditching. The student loan was  
28

Declaration

1 disbursed to Debtor on December 22, 2005 and later assigned to NCSLT 2006-1.  
2 Attached as **Exhibit B** to this Declaration are true and correct copies of the  
3 business records pertaining to Debtor's NCSLT 2006-1 student loan.

4 9. Another year later, on December 11, 2006, Debtor applied for and  
5 obtained another \$28,450.00 student loan so that she could attend University of  
6 Washington. She signed the credit agreement, provided her Certificate of  
7 Enrollment from the University of Washington, her class schedule, as well as  
8 proof of employment of her co-signer and sister Pauline Ditching. Debtor also  
9 signed and endorsed the back of the disbursement check. The student loan was  
10 disbursed to Debtor on December 19, 2006 and later assigned to NCSLT 2007-1.  
11 Attached as **Exhibit C** to this Declaration are true and correct copies of the  
12 business records pertaining to Debtor's NCSLT 2007-1 student loan.

13  
14 10. From 2006 through 2011 Debtor made at least seven (7) separate  
15 written requests for deferments and forbearances on her NCSLT student loans,  
16 acknowledging her obligation for each of the three student loans and promising to  
17 repay once she was able. Attached as **Exhibit D** to this Declaration are true and  
18 correct copies of the business records pertaining to Debtor's deferment and  
19 forbearance requests.

20 11. Beginning in October of 2011 Debtor made payments on her student  
21 loans owing to NCSLT. Attached as **Exhibit E** to this Declaration are true and  
22 correct copies of the business records pertaining to payments made by the Debtor.

23 12. I am personally familiar with and have detailed knowledge of the  
24 processes by which these business records are both created and maintained.

25 13. These business records were created by a qualified individual with  
26 personal knowledge of the information set forth in the business records, or created  
27 and maintained by NCSLT's automatic or computerized systems.  
28

Declaration

14. The business records were created by such a qualified individual, or generated by NCSLT's automatic or computerized systems, at or near the time of the occurrence of the matters set forth in the business records.

15. The business records were kept in the course of regularly conducted business activity, and the business records were created pursuant to established procedures for the routine and timely making and preserving of such business records, and are relied upon by NCSLT and their loan servicers in the performance of NCSLT's regular business functions.

16. It is a regular practice of NCSLT's regularly conducted business activities and standard operating procedures for qualified individuals with relevant personal knowledge, to create and maintain accountings such as the business records, or for the business records to be generated and maintained by NCSLT's automatic or computerized systems.

17. The business records attached to this declaration were not created for this litigation or any other litigation.

I affirm under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This Declaration is executed this 9<sup>th</sup> day of January, 2018 in Peachtree  
Corners, Georgia.

By: Bradley Luke  
BRADLEY LUKE

## Declaration